

USDA Forest Service Exemptions and Authorized Activities

General Recreation Use, Hunting, & Fishing.

Guidelines for all stages of fire restrictions and/or closures are described below:

- Fire restriction or closure notices need to be posted and maintained along entry points to the unit, each trailhead, each developed recreation site, and in each concentrated use area. (See Appendix J for consistent signing examples)
- All local visitor contact points need to be notified, including local convenience stores, local sporting goods stores, visitor centers, chamber of commerce offices, and other local sites where visitors stop for supplies or information. Copies of fire restrictions or closures need to be available.
- The National Recreation Reservation Service needs to be contacted to have notices of the fire restrictions posted for those campgrounds/cabins/areas listed on the reservation system. This is the responsibility of each permit administrator. (See Appendix I)
- Increased patrols should be considered.

Agreements, Contracts, Leases and Permits

There should be no distinction between the various types of permits (i.e. outfitter/guiding, communications sites, grazing, resorts, ski areas). A permit is simply an authorization in writing by the Authorized Officer that allows for an activity or use. Any restrictions and/or closures should relate directly to actions or decisions taken in reference to the authorized permit in the form of various mitigation measures decided upon and required by the Authorizing Officer. Sample letters may be found in Appendix H.

The following Stage I and Stage II restriction guidelines apply to all categories. (Note: see additional specific direction for "minerals" and "timber".)

Stage I Restrictions

Notify as appropriate. No entry/activity permit is required, if operating under the terms and conditions of the authorization, operating plan, and the Stage I restrictions.

Stage II Restrictions

If the restrictions specifically affect cooperator's operations, notify them of the restrictions, and the possibility of future closure. If there is an opportunity to mitigate some or all of the restriction, this is the appropriate time to notify them of those requirements. Mitigation can be incorporated into annual operating plans, and would then be authorized through an entry/activity permit

With a Stage II restriction, no entry/activity permit is required, if operating under the terms and conditions of the authorization, annual operating plan, and the Stage II restrictions.

Agreements

Stage III and IV Closures:

- For all Stage III and IV closures under special orders that close an area to entry, and include closure to entry by cooperators, the Forest Supervisor shall ensure that cooperators are notified that a fire closure has been put into effect and that they are provided with a copy of the order.
- Enclosed in Appendix H is a sample memo for agreements specialists to prepare to be sent to cooperators (and a copy filed in the official agreements folder) when a closure is put into effect that may restricts their otherwise authorized activities.
- Verbal notification by the Principal Contact listed in the Agreement may precede the written notification, and will be followed up in writing as soon as practicable.

Contracting and Acquisition Management

Stage III and IV Closures:

- Notification of affected contractors is mandatory. Notification should be through normal contract administration channels by the contracting officer's representative (COR) or the contracting officer (CO). A copy of the order will be provided to each COR and/or CO so they can provide a copy to each contractor.
- Contractors may submit claims if a restriction or closure affects contract performance. Consultation with the COR and CO is needed for advice on individual contracts.
- If a contractor has a need to do emergency work prohibited by the order, an entry/activity permit needs to be issued.

Permitted Livestock Grazing

Stage III and IV Closures:

During the A01 discussions, the District Ranger should inform the permittee of any mitigation measures that could be required during a fire restriction and/or closure.

- The permit holder should be contacted in writing. A personal contact prior to sending the letter is recommended.
- With a Stage III or IV closure, an entry/activity permit will be required for the permittee or his/her employees to enter the allotment.

Oil, Gas, and Minerals

1. Requirements--Locatable Minerals

All Stages: Laws and regulations governing administration of minerals operations require that activities necessary for continuance of ongoing production be allowed to continue. Some requirements may be imposed to mitigate activities that present specific risks.

Stage III and IV Closures:

- Under forest orders that close an area to entry, including entry by operators with approved plans of operations, the authorized officer should notify the operators that a closure has been put into effect and their operations may be restricted.
- If a holder of an approved Plan of Operation needs to continue operations, and has adequate fire prevention and control measures incorporated within the approved plan, they need to obtain an entry and activity permit. The entry and activity permit can include necessary mitigation measures.

2. Requirements-Leasable Minerals

All Stages: Laws and regulations governing administration of oil and gas operations require that activities necessary for continuance of ongoing production be allowed to continue. Some requirements may be imposed to mitigate activities that present specific risks. (See Appendix I)

Stage III and IV Closures:

- Operators conducting activities under a lease or application for permit to drill (APD) need to obtain an entry and activity permit to continue operations. Some new activities not associated with ongoing production may be prohibited for up to 60 days, consistent with 43 CFR 3101.1-2 (Surface rights).

3. Requirements-Saleable Minerals

Stage III and IV Closures:

- Work may continue if authorized by the line officer, and mitigation measures approved. An entry and activity permit would be required.

Recreation and Heritage Special Uses

Stage III and IV Closures:

- Proactive notification to authorized users when a closure is pending is advisable. Providing Forest Service contact names and numbers to permittees is essential.
- The District Ranger/Forest Supervisor should notify special-use authorization holders, as appropriate, that an area/forest closure has been put into effect.
- An entry/activity permit would be required for the permittee or his/her employees to operate. The entry/activity permit may be granted, with mitigation measures approved by the authorized officer. Customers of the permit holder must also abide by the mitigation measures. Prior to approval of the entry/activity permit, the terms and conditions of the permit will be carefully reviewed and explained to the permittee.
- Any upcoming recreation events should be reviewed to determine the Forest's ability to accommodate them based on varied circumstances.

Land Special Uses

Stage III or IV Closures:

- Proactive notification to authorized users when a closure is pending is advisable. Providing Forest Service contact names and numbers to permittees is essential.
- The District Ranger/Forest Supervisor should notify special-use authorization holders, as appropriate, that a closure has been put into effect.
- When, there is a need for emergency access and/or repairs under a Stage III or IV closure, the holder will need to obtain an entry/activity permit. The permit allows for emergency work, and can contain extensive fire protection measures for the proposed action.

Timber

There are two avenues for interrupting or delaying purchaser's operations in response to increased fire danger:

1. The purchaser agrees to interrupt or delay operations upon the written request of the contracting officer based upon the Emergency Fire Precautions found in C(T)(P)7.22# of the 2400-6(T) and 2400-3(T)(P) provisions of the contract. Sole remedy to the contractor is addressed in the FS-2400-6(T) and 2400-3(T)(P) contracts in B(T)(P)8.21 - Contract Term Adjustment.
2. The Forest Supervisor or Regional Forester issues an order under 36 CFR 261.50, limiting or prohibiting specified activities. The direct link to the FS-2400-6(T) and 2400--3(T)(P) contracts of such an order is Provision B(T)(P)6.01 - Statutory Compliance.

The CO(s) must be notified when an order is being prepared and must be provided with a copy of the signed order as soon as it is available. The CO(s) or their designates will call purchasers with active sales to notify them of the order and when it will take effect. The CO(s) will follow up with a letter from the appropriate line officer, including a copy of the order. The same process will be followed when an order is either rescinded or replaced by a new order.

Timber sale contracts have developed over the years to be specific as to activities allowed, or not, during the height of fire season-there are some good tables and indices in the contracts C(T)7.22# that specifically that give the CO's the backing they need to interrupt or delay operations.